



# Montgomery County Council

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From the Office of Councilmember Phil Andrews

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## **Bill to Prohibit Roadside Soliciting by County Employees During Work Hours Introduced by Montgomery Council**

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ROCKVILLE, Md., April 5, 2011—A bill that would amend the Montgomery County Ethics law to prohibit a County employee from standing in a roadway, median divider or intersection during official work hours to solicit money or donations of any kind from the occupant of a vehicle was introduced today before the Montgomery County Council.

The chief sponsor of Bill 12-11 is Councilmember Phil Andrews. Council President Valerie Ervin and Councilmember Craig Rice are co-sponsors of the proposed legislation. A public hearing on the bill is tentatively scheduled for 1:30 p.m. on May 3.

The County Ethics Law generally prohibits a County employee from soliciting a gift to the employee or another person or organization during official work hours or while wearing an official County uniform. However, the Ethics Law contains an exception to this general prohibition to permit an employee to solicit charitable donations during official work hours or while identifiable as a County employee if the charity drive is approved by the County Executive.

One example of an "approved" charity drive for County employees is the annual "Fill the Boot" campaign where Montgomery County Fire and Rescue employees solicit donations for the Muscular Dystrophy Association during official work hours while wearing County issued uniforms. During this campaign, County fire fighters routinely solicit donations from the drivers of motor vehicles while standing on roadway intersections and median dividers.

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“Although the County does not currently have the authority to enact a general ban on roadside solicitation, the County does have the authority to limit roadside solicitation by County employees during official work hours,” said Councilmember Andrews, who chairs the Council’s Public Safety Committee.

“The County has a duty to provide for a safe workplace for its employees under both State and Federal occupational safety and health laws,” said Councilmember Rice. “That is what this bill is seeking to accomplish.”

Councilmember Andrews said he did not want to see campaigns, such as the one Fire and Rescue employees conduct each year on behalf of Muscular Dystrophy, ended. He just wanted funds collected in a safe way rather than in a manner that is inherently dangerous.

“It is needlessly dangerous for individuals to enter highways to solicit contributions from drivers,” said Councilmember Andrews. “In Sante Fe Springs, Calif., in 2010, and in Waxahacie, Tex., in 2009, firefighters conducting ‘Fill the Boot’ campaigns were struck by vehicles. As a result, the local fire chief in Texas suspended the roadway campaign. Allowing County employees to solicit in roadways on County time—as is done now—is not only dangerous; it undermines the County’s efforts and credibility in promoting pedestrian and traffic safety. If County employees continue to solicit in roadways, it is only a matter of time before an employee is injured or killed by a vehicle. This bill is what the Council can do at this time to reduce the chances of that happening. Until the Council obtains authority from the General Assembly to prohibit roadway solicitation altogether, the Council cannot prohibit County employees from soliciting in roadways on their own time.”

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